

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF VIRGINIA  
Norfolk Division

KERSTIN R. GEBA,

Plaintiff,

v.

ACTION NO. 2:14cv612

KIMBERLY E. NORRIS and  
LOIS C. THOMPSON,

Defendants.

ORDER

This matter comes before the court on the Motion for Summary Judgment ("Motion") and accompanying Memorandum in Support, filed by Kimberly E. Norris and Lois C. Thompson (collectively, the "Defendants"), on September 28, 2015. ECF Nos. 23, 24. The Defendants filed a Supplement to the Memorandum in Support on October 8, 2015. ECF No. 31. The Plaintiff, Kerstin R. Geba, filed a Memorandum in Opposition on October 12, 2015. ECF No. 32. The Defendants filed their Reply on October 19, 2015. ECF No. 34.

On October 20, 2015, this matter was referred to United States Magistrate Judge Robert J. Krask, pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b) to conduct hearings, including evidentiary hearings, if necessary, and to submit to the undersigned district judge proposed findings of fact, if applicable, and

recommendations for the disposition of the Motion. See ECF No. 35.

The Magistrate Judge filed the Report and Recommendation ("R&R") on April 4, 2016. ECF No. 40. The Magistrate Judge recommended granting the Defendants' Motion in part and denying it in part. Specifically, the Magistrate Judge recommended that the Motion be granted as to the Plaintiff's claim of excessive force with respect to the manner in which the Defendants restrained the Plaintiff to prevent her exit from the security trailer; the Motion be denied as to the Plaintiff's claim of excessive force with respect to the use of tight handcuffs; and the Motion be granted as to the Plaintiff's unreasonable seizure claim.

By copy of the R&R, the parties were advised of their right to file written objections to the findings and recommendations made by the Magistrate Judge. On April 4, 2016, the Defendants filed Objections to the R&R. ECF No. 41. The Plaintiff did not file any objections or respond to the Defendants' Objections.

Pursuant to Rule 72(b) of the Federal Rules of Civil Procedure, the court, having reviewed the record in its entirety, shall make a de novo determination of those portions of the R&R to which the Parties have specifically objected. Fed. R. Civ. P. 72(b). The court may accept, reject, or modify, in whole or in part, the recommendations made by the Magistrate

Judge, or recommit the matter to him with instructions. 28 U.S.C. § 636(b)(1).

This court, having examined the Defendants' Objections to the R&R, and having made de novo findings with respect thereto, overrules the Defendants' Objections, and does hereby adopt and approve in full the findings and recommendations set forth in the R&R of the United States Magistrate Judge filed on April 4, 2016. Accordingly, the court **GRANTS IN PART** and **DENIES IN PART** the Defendants' Motion for Summary Judgment. The Motion is **GRANTED** as to the Plaintiff's claim of excessive force with respect to the manner in which the Defendants restrained the Plaintiff to prevent her exit from the security trailer. The Motion is **DENIED** as to the Plaintiff's claim of excessive force with respect to the use of tight handcuffs. Lastly, the Motion is **GRANTED** as to the Plaintiff's unreasonable seizure claim.

The Clerk is **DIRECTED** to send a copy of this Order to counsel for all parties.

IT IS SO ORDERED.

isi  
Rebecca Beach Smith  
Chief Judge

RBS  
REBECCA BEACH SMITH  
CHIEF JUDGE

May 13, 2016